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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNIVERSAL CITY STUDIOS, INC.,	)	
	)	
Plaintiff,	)	NO. 82 CIV4259(RWS)
	)	
vs.	)	
	)	
NINTENDO CO., LTD., and	)	
NINTENDO OF AMERICA, INC.,	)	
	)	
Defendants.	)	
	)	

Deposition Upon Oral Examination of
ALAN D. STONE

Taken at 1900 Peoples National Bank Building, Seattle,
Washington

APPEARANCES:

For the Plaintiff:

MARY D. FAUCHER
Townley & Updike
405 Lexington Avenue
New York, New York 10174

For the Defendants:

JOHN J. KIRBY, JR.
Mudge, Rose, Guthrie &
Alexander
20 Broad Street
New York, New York 10005
and
JAMES L. MAGEE
Sax & MacIver
1900 Peoples National Bank
Building
Seattle, Washington 98171

DATE: December 16, 1982

REPORTED BY: Phyliss McLean, RPR

Linda Rough & Associates
1826 Fifth Avenue
Seattle, Washington 98101
(206) 682-1827

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1 A Sure.

2 Q Mr. Arakawa?

3 A Uh-huh.

4 Q In any of these discussions among the Nintendo people
5 about this sample game and how good it was going to
6 be, did anyone mention the words King Kong?

7 A No.

8 Q Did you discuss with anybody once you -- once you
9 looked at the sample game, did you discuss with anybody
10 at Nintendo any changes you thought should be made in
11 the game?

12 A We didn't like the name.

13 Q You didn't like the name?

14 A Right.

15 Q When you say we, are you including your people?

16 A It sounded rather nonsensible.

17 Q How else are you talking about when you say we didn't
18 like the name?

19 A Probably the people that sold it, Ron and myself.

20 Q You didn't like it because it sounded nonsensible?

21 A Yes.

22 Q Did you tell Mr. Arakawa?

23 A We all communicated about it.

24 Q Do you know whether Mr. Arakawa took any steps to
25 change the name?

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1 A He probably inquired about it, but it was impossible
2 to change. I don't know why.

3 Q When you conveyed your feelings to Mr. Arakawa about
4 your disliking of the name, did he give you any
5 reaction to that opinion?

6 A I don't recall what his reaction was.

7 Q Did you have any other suggestions about the game or,
8 you know, how the actual operation of the game went,
9 if the boards should be different or any of the graphics
10 should be changed?

11 A I think we all decided that we should change the
12 sequence of the boards.

13 Q Again, when you are saying we, you are referring to
14 yourself and who else?

15 A Probably Mr. Judy.

16 Q You conveyed that also to Mr. Arakawa?

17 A Yes.

18 Q Do you know if he conveyed those suggestions to
19 Nintendo Co., Ltd.?

20 A Yes.

21 Q Do you know if those changes were affected?

22 A We made those changes, yes.

23 Q Do you recall when Donkey Kong first became available
24 for sale in the United States?

25 A I can't even recall the specific month.

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1 Q Sometime in 1981?

2 A Yes.

3 Q How did you go about trying to sell Donkey Kong games
4 to your distribution networks?

5 A Have them take samples, test the earnings, then come
6 back with orders based on the earning power of the
7 game.

8 Q Did you write to the distributors to tell them of the
9 existence of the game or did you call your distributors?

10 A We either called them or visited them personally.

11 Q When you visited them personally, did you have any
12 literature regarding the game with you?

13 A Yes.

14 Q Are these brochures that are distributed normally to
15 distributors?

16 A Yes.

17 Q Did you describe the game -- in calling the distributors
18 did you describe the game to them in any way?

19 A Yes.

20 Q How did you describe it?

21 A Tried to describe how it played, how good the graphics
22 were, the play time in our testing.

23 Q Did you describe the characters in the game?

24 A Yes. It is somewhat of a hard thing to do.

25 Q Do you recall how you described the animal character

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1 in the game?

2 A I called him a gorilla.

3 Q Did any of your distributors when you were first trying
4 to sell the Donkey Kong game to them react to the name
5 of the game?

6 A They thought it was funny, yes.

7 Q Did they express displeasure about the game?

8 A No.

9 Q Did any of your distributors mention King Kong?

10 A Not at all.

11 Q When you were operating pursuant to this December 5,
12 1980 contract, did you have any direct dealings with
13 personnel at Nintendo Co., Ltd.?

14 A I didn't understand the first part of the question.

15 Q When you were operating pursuant to the December 5,
16 1980 agreement, that's Exhibit 1 to Judy's deposition,
17 did you have any direct contact with personnel at
18 Nintendo Co., Ltd.?

19 A No.

20 Q In your employment with Nintendo of America, now, do
21 you have any direct contact with Nintendo Co., Ltd.
22 personnel?

23 A Only very occasionally at trade shows.

24 Q And, that's just seeing them at trade shows?

25 A Yes.

1 Q Since December 5, 1980, have you been in Japan?

2 A No.

3 Q Do you have any dealings with Nintendo of America,
4 New York?

5 A It's a sales office. I don't use it, no.

6 Q Can you tell me what your job duties are now as the
7 director of marketing with Nintendo of America, Inc.?

8 A To maintain our distribution network. I am responsible
9 for sales of the games, staying abreast somewhat of
10 what our competition are doing, how well their games
11 are, any everyday function of a marketing --

12 Q Is the name of a coin operated arcade video game
13 important to you in its success?

14 A I would say so, yes, part of the package.

15 Q What are the other factors important to the success
16 of a video arcade game?

17 A I would say the attractiveness of it initially for
18 a player to walk up to, it's got to look good, it's
19 got to light up good, the graphics have to be good,
20 there has to be difficulty of plays that will satisfy
21 different spectrums of players, the sound has to be
22 good, it's got to collect lots of quarters.

23 Q To whom do you report as the director of managing?

24 A Ron Judy.

25 Q Do you have people under you who report to you, also?